

**CITY OF GLOUCESTER  
CONSERVATION COMMISSION MINUTES  
WEDNESDAY May 18, 2011 - 7:00 PM  
CITY HALL, KYROUZ AUDITORIUM  
ROBERT GULLA, CHAIRMAN**

**Members Present:**

Steve Phillips  
Barry Gradwohl  
Charles Anderson  
Helen Farr  
Arthur Socolow, **Absent**  
Rob Gulla, **Absent**  
Ann Jo Jackson, **Absent**

**Staff:**

Lisa Press, Agent  
Pauline Doody, Recording Clerk

**Items may be heard 15 minutes before their scheduled time.**

- I. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.  
None

**II. PUBLIC COMMENT - None**

**III MINUTES REVIEW- Continued until June 2, 2011**

**IV PUBLIC HEARING approximately 7:15 PM**

**A. Continuation- 28-2136-NOI Atlantic and Bungalow Rd**, Notice of Intent submitted by William Cook, Wingersheek Improvement Assoc., for after the fact stream excavation, and to replace a drainage catch basin, remove a drainage pipe, and road sediment removal in and in buffer to an inland resource area. (Map 257 lot 165, 167, 166.).

**Presenter: John Judd, Gateway Consultants.**

**Mr. Judd** stated there was a site meeting with city engineering and Lisa Press to discuss the issues at hand; the replacement of the pipe, as well as, the removal of sediment on both sides of the road, and to replace a shallow catch basin with a deep sump catch basin. It was agreed upon to replace the existing pipe with a steel pipe and the catch basin will be cleaned out. At the agent's request, a double row erosion control sock will be installed.

**Commission Comments:**

**Ms. Press** stated it will be a microbial filter mitt that will be installed for erosion control. It is the perfect solution

**Mr. Phillips** asked for clarification of the catch basin.

**Mr. Judd** stated the catch basin is to remain and to be cleaned. The existing pipe will be replaced with a steel pipe. It will be the same size pipe and properly backfilled and patched.

**Ms Press** asked if any planting will be going on the edge of the stream that had been removed.

**Mr. Judd** stated there should not be any need. You will see a quick re-growth of the area.

**Public Comment: None**

**Conditions:**

- **To review and finalize the vegetation of the stream at preconstruction site walk.**

**Motion: To approve the plan Atlantic and Bungalow Rd submitted by William Cook, Wingersheek Improvement Assoc., for after the fact stream excavation, and to replace a drainage catch basin, remove a drainage pipe, and road sediment removal in and in buffer to an inland resource area. (Map 257 lot 165, 167, 166.).**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**B. Continuation- NOI 28-2138- 209 Essex Ave**, Notice of Intent submitted by Anthony Taliadoros, for after the fact stream alteration, and to remove a drainage pipe, and fill in an intermittent stream bed. (Map 218 lot 96.)

**Motion: To continue 209 Essex Ave, Notice of Intent submitted by Anthony Taliadoros, for after the fact stream alteration, and to remove a drainage pipe, and fill in an intermittent stream bed. (Map 218 lot 96.)to continued to June 15, 2011**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**C. New-** Request for Determination submitted by Mass Bay Commuter Railway, to conduct vegetation control along railway.

**Presenter: Kyle Fair, 46 Sawyer St, South Portland ME.**

**Mr. Fair** stated we have developed a vegetation maintenance plan which was approved on March 31 and submitted to the Commission office as well as the yearly plan. Mr. Fair provided color coded maps of the vegetation work to be done to the Commission. The color code indicates the chemical sprays used in different areas. It is done with permanent marking systems. The work is done with an on track vehicle that spreads out 10 feet on each side. It is within the 20 foot boundary. In the upland areas, the entire right of way gets the sensitive application material.

**Commission Comments:**

**Ms. Press** stated she didn't realize the maintenance plans had been submitted to the office. The plans submitted with the RDA have been distributed to the shellfish and waterways for review and comments.

**Mr. Fair** stated the work is scheduled for the first two weeks of July.

**Mr. Phillips** stated the Commission role is very limited as a matter of state law. There should not be an issue.

**Public Comment: None**

**Motion: To continue the Request for Determination submitted by Mass Bay Commuter Railway, to conduct vegetation control along railway to June 1, 2011.**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**D. New -157 Thatcher Road**, Request for Determination submitted by Mark & Lauren Orlando, to pave a driveway, replace and expand a deck and stairway and create a rain garden. (Map 178, lot 53)

**Presenter: Mark Orlando 157 Thatcher Road.**

**Mr. Orlando** stated he would be paving his driveway which is 14x 20 and 11x 11 toward the front door. The driveway is 86 feet away from the wetland. He stated he will be installing a rain garden approximately 14x14 and to expand his deck.

**Commission Comments:**

**Ms. Press** stated there is a good planting area and he has proposed a rain garden to deal with the runoff from the driveway.

**Mr. Gradwohl** stated 2-1 mitigation is needed for the porch because it is on the side of the marsh and 1-1 mitigation for the front of the house work.

**Public Comment: None**

**Conditions:**

- 1-1 mitigation for front of home
- 2-1 mitigation for the deck

**Motion: Negative Determination for 157 Thatcher Road submitted by Mark & Lauren Orlando, to pave a driveway, replace and expand a deck and stairway and create a rain garden. (Map 178, lot 53)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Steve Phillips**

**Vote: Approved 4-0**

**V. PUBLIC HEARINGS approximately 8:15 PM**

**A. New- 2 Lanes Cove Road-** Request for Determination submitted by City of Gloucester, Harbormaster, to replace 10 concrete ramp pads and stone bedding. (Map 142, lot 38)

**Presenter: Jim Caulkett Gloucester Harbormaster**

**Mr. Caulkett** stated the seawall and public boat launch ramp were damaged during a winter storm. 10- 16 pads need to be removed and replaced. The DPW will perform the work and lift the old pads out and install new ones. There will be no disturbance on the beach.

**Commission Comments:**

**Ms. Press** stated the work is being done from above and is just replacing what is already there. There are no concerns.

**Public Comment: None**

**Motion: Negative determination with a modification to replace 16 concrete ramp pads not 10 and stone bedding at 2 Lanes Cove Road submitted by City of Gloucester, Harbormaster. (Map 142, lot 38)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**B. New- 113 Atlantic Street-** Request for Determination submitted by City of Gloucester, Harbormaster, to re-grade road surface on stone pier (Map 246 lot 45)

**Presenter: Jim Caulkett, Gloucester Harbormaster**

**Mr. Caulkett** stated the re-grading of the road surface is an annual process. There is a constant problem with washout of the road and potholes.

**Commission Comments:**

**Ms. Press** stated there is a letter from Dave Sergeant stating this work has been done for many years and there are no issues.

**Public Comment: None**

**Motion: Negative Determination 113 Atlantic Street submitted by City of Gloucester, Harbormaster, to re-grade road surface on stone pier (Map 246 lot 45)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 4-0**

**C. New- 11 Cambridge Ave.** Request for Determination submitted by Alden French III, to repair dry laid stone retaining wall. (Map 119, lot 44)

**Presenter: Alden French III**

**Mr. French** stated during the Christmas storm there was damage to the retaining wall. The wall is 20 feet from the high tide line. There is damage in three spots. The work will be done from the lawn and with a mason to replace the stones. They will dig out the stones behind the wall and place them on the lawn.

**Commission Comments:**

**Ms. Press** stated she had no concerns.

**Public Comment: None**

**Conditions:**

- **Gravel to be wrapped in filter fabric**

**Motion: Negative determination for 11 Cambridge Ave. submitted by Alden French III, to repair dry laid stone retaining wall. (Map 119, lot 44)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 4-0**

**D. New- 11-16 Cambridge Ave** Request for Determination submitted Alden French III, to replace concrete access stairs to beach (.Map 119)

**Presenter: Alden French III, 11-16 Cambridge Ave**

**Mr. French stated** the Christmas winter storm damaged the concrete stairs to Cambridge Beach which is a private way. It is between our property and our neighbors. The stairs below are destroyed and is approximately 8 feet wide. The plan is to remove the debris by hand and build a 4foot wide stairway from the landing to the beach and not replace the skirt.

**Commission Comments:**

**Ms. Press** stated after further investigation to the site with Bill O'Donnell and Dave Sargent there is need for a bigger project where it would dissipate storm water, reconstruct the stairs, re-create a platform. Dissipate both the wave energy and the water coming out of the storm water pipe. This needs a notice of intent. He had already filed an RDA and he wants the stairs repaired for the summer. We've decided in the interim to allow Mr. French to create stairs on the left half and narrower for this summer. The rest of the work to be done will be under an NOI which would happen in the fall. Taking up the concrete pad is a positive one and anything that is a hardscape on a beach magnifies the energy of the wave and doesn't soften the blow.

**Ms. Farr** stated she is concerned with the work not being done before next winter and the impacts it would have on the site.

**Mr. Phillips** asked if this work was done at this scale if it will have any impact.

**Ms. Press** stated it will not have any impact. They are just putting back what is already there.

**Mr. Gradwohl** asked if there would be riprap in front of the stairs.

**Mr. French** asked for direction from the Commission.

**Ms. Farr** stated she was not comfortable with just putting the four foot wide stairs and placed boulders.

**Ms. Press** stated an ideal coastal bank is a vegetated coastal bank, the next is riprap, and the next is a pad. She stated that she is concerned that the bottom of the stairs is not well defined and the waves getting under the stairs.

She stated that this could be continued to the 7:00 spot so Mr. French can develop the bottom of the stairs. We could also have him replace what he had or have the bottom stairs design be approved by myself and Dave Sargent prior to work being done.

**Public Comment: None**

**Conditions:**

- **Sketch of the stair design including the bottom stair.**
- **The bottom stair size be to be approved by Lisa Press and Dave Sargent.**
- **4 feet of stairway not being repaired to be riprapped.**

**Motion: Negative Determination for 11-16 Cambridge Ave submitted by Alden French III, to replace concrete access stairs to beach (.Map 119)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**VI. PUBLIC HEARINGS approximately 9:15 PM**

- A. Amend- 28-2107 5 Aileen Terrace-** Request for Amendment submitted by to remove 1 tree and conduct blasting in buffer to coastal bank. (Map 137, lot 3)

**Presenter: Peter White, 10 Micro Drive, Woburn MA.**

**Mr. White** stated there is a swimming pool being built which has already been approved. Ledge has been hit and there is need to blast and remove 1-3 feet. We are also requesting the removal of one more tree that is within the 100 foot coastal setback. The tree has branch damage and currently has cabling for security.

**Commission Comments:**

**Ms. Press** stated the concern with blasting in coastal bank is the bank stability. The Commission requires a blasting consultant which has been hired and funds put into escrow. The report has been done and submitted for your review. The next step is the applicant must pay an additional fee to have the blasting consultant on site to oversee blasting material placement and implementation.

**Mr. Gradwohl** questioned whether additional remediation was necessary for the one additional tree coming down. He stated they seem to be doing quite a bit of remediation already.

**Public Comment: None**

**Conditions:**

- **Blasting consultant on site for blasting material placement and implementation**
- **Additional deposit required for onsite blasting consultant during work.**

**Motion: Approval to amend the order for 5 Aileen Terrace- to remove 1 tree and conduct blasting in buffer to coastal bank. (Map 137, lot 3)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 4-0**

**B. New-73 Veterans Way,** Request for Determination submitted by City of Gloucester, Gloucester Housing Authority, to construct a shed over existing concrete slab. (Map 104, lot 8)

**Presenter: Ernie DeRosian, 38 Poplar St**

**Mr. DeRosian** stated there is already an existing foundation. The work was supposed to be done, but the funding fell through and now the funding is available. It is a 20x 24 slab. It is a space for storage.

**Commission Comments:**

**Ms. Press** stated half the slab is in the buffer zone.

**Public Comment: None**

**Motion: Negative determination for 73 Veterans Way, submitted by City of Gloucester, Gloucester Housing Authority, to construct a shed over existing concrete slab. (Map 104, lot 8)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**B. New – NOI 27- 29 Harbor Loop**, Notice of Intent submitted by Rose Ciulla, Star Fisheries, to install 12 pilings, and repair and replace decking in a coastal resource area. (Map 9 lot 21).

**Presenter: Larry Ciulla**

**Mr. Ciulla** stated the project entails repairing and replacing existing structure that has deteriorated over the years. We will replace what is there now and install new caps.

**Commission Comments:**

**Ms. Press** stated the wharf has significant holes in it. Prior to filing, because of the danger of collapse an emergency certificate has been issued and work has already begun. The second part of the application is the extension of the roof for the restaurant. She asked Mr. Ciulla if there is a boom in place yet.

**Mr. Ciulla** stated there was.

**Public Comment: None**

**Motion: To approve 27- 29 Harbor Loop, submitted by Rose Ciulla, Star Fisheries, to install 12 pilings, and repair and replace decking in a coastal resource area and the extension of restaurant roof. (Map 9 lot 21).**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

**Continuation- 137 Wingaersheek Rd** Notice of Intent submitted by William Thiebault, to build a pool, patio, gazebo, retaining wall and septic upgrade in the buffer zone to a coastal resource area. (Map 260 lot 9).

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated that it was requested at the last hearing to provide more specificity on the plantings for the site. The plan has been revised to remove the removal of the invasives and to plant along the edge of the lawn on a 5 foot expansion of the dune. American Dune Grass will be planted.

**Mary Rimmer, Rimmer Environmental Consulting, Newburyport, MA.**

**Ms. Rimmer** stated that after inspecting the site it was decided to look at other areas for mitigation. Along the edge of the lawn, there is no vegetation and will expose and

expand the dune grass, as well as, in the pathway to the beach. We will plant on one side of the path which will make it 3 feet in width. The best time to plant dune grass is in November- December. It is planted 1 ½ feet apart. The area will need 2000 plants.

**Commission Comments:**

**Ms. Press** asked who would be doing the planting.

**Ms. Rimmer** stated it has not been identified yet

**Mr. Judd** stated Gary from DEP believes the mitigation area should be undertaken prior to the improvements. Because of the fact the time for planting dune grass is after November 1.

**Ms. Press** stated DEP wants us to issue an Enforcement Order for the path that was made into a driving path. DEP also wants in the Enforcement Order that no vehicles be allowed on the path. They do not want construction on site until this has been corrected. We can issue the order and make this as a condition.

**Attorney Chip Nylen**

**Attorney Nylen** stated he had just learned of this issue and does want to cooperate but does not want to lose the season. He stated his client is willing to put an escrow down for the American Beach dune grass planting to be done. If there is a way to work out a sequence we would like to do that.

**Ms. Press** stated an enforcement order was issued 3 years ago. The enforcement order was for two issues. Mr. Thiebault wrote a letter back saying that one of the violations was not his, but never addressed the other one.

**Attorney Mr. Nylen** stated he would like the opportunity to speak to DEP first. He stated that the path was used for vehicles before his client bought the property.

**Mr. Phillips** stated it is an illegal use of the path.

**Attorney Nylen** asked if it was illegal by city ordinance.

**Mr. Phillips** stated as he understands it, DEP advised us it is illegal under state law. It seems you have a difference of opinion with DEP.

**Attorney Nylen** stated that is why he would like the opportunity to talk to DEP since they have initiated this and is asking you to do their work for them

**Ms. Press** stated it is a joint issue with us and DEP.

**Attorney Nylen** asked for a continuance of this hearing. He asked the Commission if there were any other issues with the project he could address.

**Ms. Press** stated she had the cutaway of the retaining wall and had it been submitted.

**Public Comment: None**

**Conditions:**

- **Agent to meet with the person who will be doing the dune grass planting.**

**Motion: To continue 137 Wingaersheek Rd Notice of Intent submitted by William Thiebault, to build a pool, patio, gazebo, retaining wall and septic upgrade in the buffer zone to a coastal resource area. (Map 260 lot 9) to June 15 at 7:15.**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Charles Anderson**

**Vote: Approved 4-0**



**E. New – 8 Woodward Ave** Request for Determination submitted by Suzanne Kadiff, to remove septic system and connect to municipal sewer. (Map 220, lot 53, 54)

**Presenter: John Judd, Gateway Consultants**

**Mr. Judd** stated this is to connect to the city sewer. It is an existing sewer stub and existing cesspool. A six inch pipe will be installed. It's a gravity connection and less than a 1 day job. Erosion control will be in place.

**Commission Comments:**

**Mr. Gradwohl** asked if the existing tank would be filled and crushed.

**Mr. Judd** stated yes.

**Public Comment: None**

**Motion: Negative determination for 8 Woodward Ave submitted by Suzanne Kadiff, to remove septic system and connect to municipal sewer. (Map 220, lot 53, 54)**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

## **VII. AS TIME PERMITS: COMMISSION BUSINESS**

**A. Requests for Letter Permits/Modifications**  
28-2022 147 Essex Ave

**Julie O'Connor, Pond View Village**

**Ms. O'Connor** stated at the end of the site there is steep slope and would like to install a fence for safety. It is very steep. It will be a split rail fence with wire mesh that will leave 8 inches from the bottom for wildlife to go through. The 2<sup>nd</sup> item is a trash compactor on a concrete pad. It takes up the whole pad. It must be handicap accessible and we also want install handicap bins. We would like to provide recycling bins also. 573 square feet of additional concrete for these items. In exchange for this, for mitigation we are eliminating paving 675 sq. feet of road.

**Commission comments:**

**Ms. Press** stated all the issues have been resolved and there is no possible impact from the change.

**Motion: To approve the minor modification for 147 Essex Ave.**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Helen Farr**

**Vote: Approved 4-0**

## **VII. AGENT'S REPORT ON VIOLATIONS**

20 Rockwood Lane

Eastern Point Boulevard, Niles Beach

**Ms. Press** reported to the Commission that a local landscaping company is dumping debris on city property. There has been an eye witness to this and a notice has been sent with no response. A citizen of Gloucester wrote into the Gloucester Daily Times complaining there is no place for landscapers to dump their material.

This will involve the police and an enforcement order. She stated her concern is that we don't have a photo to prove this violation.

- B.** Requests for Certificates of Compliance  
28-1175 28 Kondelin Rd – has decided not to do the work  
28-1092 58-60 Commercial St –  
28-1998 16 Cononicus –

**Motion: To approve the Certificate Of Compliance for 28 Kondelin Rd, 58-60 Commercial St & 16 Cononicus .**

**1<sup>st</sup>: Barry Gradwohl**

**2<sup>nd</sup>: Charlie Anderson**

**Vote: Approval 4-0**

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at [mdemick@gloucester-ma.gov](mailto:mdemick@gloucester-ma.gov) or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at [www.gloucester-ma.gov](http://www.gloucester-ma.gov) Click Community Development for a link to Conservation.

**Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail**